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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,096	11/29/2000	Dennis L. Montgomery	42503 261928	6817

7590 05/22/2006
Pillsbury Winthrop LLP
Intellectual Property Department
1600 Tysons Boulevard
McLean, VA 22102

EXAMINER

MAHMOUDI, HASSAN

ART UNIT PAPER NUMBER

2165

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/727,096	MONTGOMERY, DENNIS L.	
	Examiner	Art Unit	
	Tony Mahmoudi	2165	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE..

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 26 April 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 22 and 26.
Claim(s) rejected: 2-4,6,7,11,14,16-21,29,47 and 54.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 13. Other: The Applicant's arguments presented in the After-Final response dated 26-April-2006 have been fully considered but are not deemed persuasive:

ARGUMENTS REGARDING THE FINALITY OF PREVIOUS OFFICE ACTION BEING "IMPROPER":

The Applicant argues, "given the new reference being used in the rejection, the finality of this office action is improper, and should be withdrawn". The Examiner respectfully disagrees. The decision on the "finality" of the Office Action dated 26-October-2005 was made by the Examiner in view of the Applicant's newly submitted Information Disclosure Statement, faxed by the Applicant on 01-September-2005. As such, the Final Office Action dated 26-October-2005 concluded, "Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 01-September-2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a)."

In a telephone interview which took place on 30-August-2005 between the Examiner and the Attorney of Record (see Interview Summary mailed on 09-September-2005), the Examiner and the Attorney reached an agreement to allow the claims of the application based on the Attorney's permission granted to the Examiner to make certain adjustments to the claims via an Examiner's Amendment to overcome newly raised issues under the second paragraph of 35 U.S.C. 112, as well as "duplicate claims" (see referenced Interview Summary.) The "agreement to allow the claims" was reached between the Examiner and the Attorney on 30-August-2005 and the new IDS was faxed by the Attorney on 01-September-2005. Therefore, the Office Action of 26-October-2005 was made Final based on the new grounds of rejection necessitated by the Applicant's IDS submission.

ARGUMENTS REGARDING THE TEACHINGS OF THE CITED REFERENCES:

In response to the Applicant's argument that, "the Examiner reaches the conclusion that "threads" are the same as chunks of data, hence the combination of references render claim 17 obvious", the argument has been considered but is not deemed persuasive. Contrary to the Applicant's statement, the Examiner does not equate "threads" to "chunks of data". The Examiner relates "threads" to "a sequence of program instructions", or "operations". In the rejection of independent claim 17 in the Final Office Action, the Examiner stated, "see column 9, lines 29-45, where first and second decompressors are taught, decompressing chunks for client 1 and client 2.) In this citation, the Examiner is referring to the 'first and second decompressors' performing the 'decompression operation' of chunks for clients 1 and 2". Therefore, the claimed "threads" would read on the decompression "operations" for the two clients".

The Applicant also argues that, "further, claim 17 is directed to a method of further compressing already compressed blocks", and that, "this is not taught or suggested by Ageenko". The Examiner respectfully disagrees. Ageenko teaches a Forward Adaptive Modeling for Context-based Compression of Large Binary Images in Applications requiring Spatial Access", in which he clearly teaches compressing clusters by a two-stage procedure (page 758, section 3. "Forward-adaptive technique".)

Ageenko specifically teaches "compressing already compressed data" in page 759. In section 3.1, under "Model construction" heading, Ageenko teaches a "first stage", with "indices for all possible context from the model table, which is stored in the beginning of a compressed file". Here, "compressed files" indicates the first compression.

In section 3.2, under the "Compression - decompression" heading, Ageenko teaches, "in the second stage, the clusters are compressed separately by the QM-coder", and that, "the compression is essentially the same as in sequential JBIG." This of course, indicates the second compression (compression of data already compressed in stage 1.)

Additionally, the Examiner notes that in the last paragraph of his document, under the "Forward-adaptive technique" heading (page 759, lines 3-4), Ageenko states, "the compression requires two passes over the image but decompression can be performed with one pass only", which not only reads on "compressing the already compressed" data, but also matches the exact same phrases used in the instant application as described in the Title of the Application: METHOD AND APPARATUS FOR ENCODING INFORMATION USING MULTIPLE PASSES AND DECODING IN A SINGLE PASS, and the Field of the Art section: "The present invention method and apparatus for encoding and decoding information, and more particularly to a method of encoding using multiple passes and decoding in a single pass."